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Further information on UA 44/04 (AMR 51/024/2004, 06 February 2004) and follow-up (AMR 51/035/2004, 18 February 2004) - Death penalty

USA (Texas) Cameron Todd Willingham (m), aged 36

A journalistic investigation into the murder conviction of Cameron Willingham, who was executed in February, has produced new evidence that the case against him was seriously flawed.

Cameron Willingham was convicted in August 1992 of the arson murders of his three young children, Amber Kuykendall, Karmon Willingham and Kameron Willingham. The three died of smoke inhalation in a house fire on 23 December 1991. Cameron Willingham escaped the fire.

Cameron Willingham was executed in Texas on 17 February 2004. The Texas Board of Pardons and Paroles voted against clemency, and Governor Rick Perry refused to intervene. In his final statement before being executed, Cameron Willingham said: "The only statement I want to make is that I am an innocent man convicted of a crime I did not commit. I have been persecuted for 12 years for something I did not do."

In an article published on 9 December 2004, the *Chicago Tribune*, whose investigations of the flaws in Illinois's capital justice system were cited by former Governor George Ryan when he commuted the death sentences of all on Illinois' death row in January 2003, revealed that it had asked four fire experts to review the case. The four concluded that the investigation into the Willingham's house fire had been seriously flawed and had used techniques which have since fallen into disrepute. They concluded that the fire may have been accidental.

One of the experts said: "There's nothing to suggest to any reasonable arson investigator that this was an arson fire. It was just a fire". Another said that it "made him sick to think this guy was executed based on this investigation... They executed this guy and they've just got no idea – at least not scientifically – if he set the fire, or if the fire was even intentionally set". Another said: "There was no evidence to support a conclusion that the fire was intentionally set." One of the jurors from the original trial, after learning of the new evidence, said: "Did anybody know about this prior to his execution? Now I will have to live with this for the rest of my life. Maybe this man was innocent."

Prior to his 1992 trial, Cameron Willingham had turned down a life prison sentence in return for a guilty plea because he said he was innocent. At the trial, the state presented evidence that he had confessed to another jail inmate that he had set the fire, and evidence that he had not tried hard enough to rescue his children. Among the state's "scientific" evidence of arson was that of "crazed glass" in the house. This was presented as an indicator that the fire had become especially hot as a result of an accelerant being applied. However, it has since been shown that "crazed glass" can be created as a result of hot glass being sprayed with water when the fire is being put out. The four experts called other aspects of the investigation into question.

On 6 October 2004, Ernest Ray Willis was released after 17 years on death row in Texas. He was sentenced to death in 1987 for the 1986 murder of two women who died in a house fire that was ruled to have been arson. After a court granted Willis a new trial in 2004, the county prosecutor hired an arson specialist to review the original evidence. The expert, one of those now saying that the Willingham arson evidence is unsafe, concluded that there was no evidence of arson, and that the "accelerant" initially suspected of causing the fire was in fact "flashover burning," consistent with electrical fault fires. The prosecutor dropped

all charges, saying that Willis "simply did not do the crime... I'm sorry this man was on death row for so long and that there were so many lost years."

Texas accounts for 336 of the 944 executions carried out in the USA since 1977. Amnesty International opposes the death penalty in all cases, regardless of guilt or innocence. Since 1973, 117 people have been released from US death rows after evidence of their innocence emerged. Others have gone to their deaths despite serious doubts about their guilt.

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words, including Willingham's former prisoner number #999041 in your appeals:

- expressing deep regret at the execution of Cameron Willingham on 17 February 2004;
- noting new evidence that Cameron Willingham was convicted on the basis of a seriously flawed fire investigation, and that four arson experts have concluded that the house fire could have been accidental;
- noting the case of Ernest Willis, and that Cameron Willingham had consistently maintained his innocence, including in his final statement before being killed by the state;
- calling for a full independent inquiry into this case, and for the results to be made public;
- calling on the addressees to support a moratorium on executions in Texas.

APPEALS TO:

Governor Rick Perry, Office of the Governor, PO Box 12428, Austin, Texas 78711-2428, USA

Fax: +1 512 463 1849. Salutation: Dear Governor

The Honorable Greg Abbott, Attorney General, PO Box 12548, Austin, TX 78711-2548, USA

Email: greg.abbott@oag.state.tx.us Fax: +1 512 475 2994 Salutation: Dear Attorney General

If you have the capacity, you may also send letters to:

Rissie Owens, Presiding Officer, Board of Pardons and Paroles, 1300 11th St., Suite 520, P.O. Box 599, Huntsville, TX 77342-0599, USA.

Fax: +1 936 291 8367, Salutation: Dear Ms Owens

Elvis Hightower, Board Member, Board of Pardons and Paroles, 1300 11th St., Suite 520, P.O. Box 599, Huntsville, TX 77342-0599, USA.

Fax: +1 936 291 8367, Salutation: Dear Mr Hightower

Charles Aycock, Board of Pardons and Paroles, 5809 S. Western, Suite 237, Amarillo, TX 79110, USA

Fax: +1 806 358 6455, Salutation: Dear Mr Aycock

Linda Garcia, Board of Pardons and Paroles, 1212 N. Velasco, Suite 201, Angleton, TX 77515, USA

Fax: +1 979 849 8741, Salutation: Dear Ms Garcia

Juanita Gonzalez, Board of Pardons and Paroles, 3408 S. State Hwy. 36, Gatesville, TX 76528, USA

Fax: +1 254 865 2629, Salutation: Dear Ms Gonzalez

Jose L. Aliseda, Board of Pardons and Paroles, 1111 West Lacy St., Palestine, TX 75801, USA

Fax: +1 903 723 1441, Salutation: Dear Mr Aliseda

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PLEASE SEND APPEALS IMMEDIATELY.